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**Remarks**A. Claim amendments

No claim has been amended.

The Examiner's attention is respectfully directed to the sequence of steps positively recited in independent process claim 6.

B. The Office Action of August 11, 2008B.1. Claim Rejections - 35 USC § 102/103

On page 2 of the Office Action, claims 7 and 10 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fukumoto et al. (JP 9-12855).

On page 2 of the Office Action, claims 6-11 and 13-14 were rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kuramoto et al. (JP 2003-82045).

B.2. Response to arguments

On pages 2-3 of the Office Action, the Examiner provided a detailed Response to Arguments. This is very much appreciated.

B.3. Allowable Subject Matter

On page 4 of the Office Action, the Examiner states that claim 12 remains allowable. This is very much appreciated.

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C. Applicant's discussionC.1. Applicant's discussion as to the sequence of stepsC.1.a. Discussion as to Fukumoto

The Examiner is respectfully asked to reconsider paragraph [0016] of Fukumoto, especially the disclosure in this paragraph as to the sequence of steps. A translation of paragraph [0016] is found below:

[0016] An emulsion polymerization method is most suitable for preparing a composite rubber having an average particle diameter as mentioned above. It is preferable that at first latex of polyorganosiloxane is prepared, thereafter alkyl (meth)acrylate rubber monomer is impregnated into the rubber particles of the latex of polyorganosiloxane, and the above-mentioned monomer is polymerized.

Fukumoto discloses in paragraph [0016] that a composite rubber is prepared by emulsion polymerization with a surfactant. Fukumoto also discloses that a monomer is impregnated into the resulting rubber particles, and polymerization of the monomer is carried out.

In contrast, in the present invention, in the step for absorbing a polymerizable monomer to a polysiloxane framework, which is a step before polymerizing according to the present invention, what is absorbed to the polysiloxane framework is an emulsified monomer. However, Fukumoto does not disclose or suggest this step. In other words, Fukumoto does not disclose or suggest that the monomer is previously emulsified before impregnation and before polymerizing.

Paragraph [0024] of Fukumoto is important. A translation of this paragraph follows below:

[0024] Polymerization of a polyalkyl (meth)acrylate rubber component is carried out by adding the above-mentioned alkyl (meth)acrylate, a

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crosslinking agent and a graft-forming agent to a latex of a polyorganosiloxane rubber component neutralized by adding an aqueous solution of an alkali such as sodium hydroxide, potassium hydroxide or sodium carbonate, thereafter impregnating those components into polyorganosiloxane rubber particles, and adding a usual radical polymerization initiator. In the progress of the polymerization, crosslinked network of the polyalkyl (meth)acrylate rubber which are entangled with the crosslinked network of the polyorganosiloxane rubber is formed, and a latex of a conjugated rubber of a polyorganosiloxane rubber component and a polyalkyl (meth)acrylate rubber component, which cannot be substantially separated from each other, is obtained.

The above paragraph [0024] of Fukumoto can be rewritten into the following sequence of steps that illustrates that the monomer, i.e., alkyl (meth)acrylate, is polymerized by:

- (i) adding aqueous alkali solution to the latex of a rubber to neutralize the latex; then
- (ii) adding an alkyl (meth)acrylate, a crosslinking agent and a graft-forming agent to the latex to impregnate the alkyl (meth)acrylate, the crosslinking agent and the graft-forming agent into the rubber particles in the latex; and then
- (iii) carrying out the polymerization of the alkyl (meth)acrylate with a radical polymerization initiator.

The above paragraph [0024] and the above sequence of steps shows that the alkyl (meth)acrylate is impregnated in the absence of a surfactant.

In sum, Fukumoto does not disclose or suggest that the monomer is previously emulsified before impregnation and before polymerization.

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Independent claim 6 positively claims that the monomer is previously emulsified before polymerization. Therefore, independent claim 6 is novel and nonobvious over Fukumoto.

C.1.b. Discussion as to Kuramoto

Paragraph [0054] of Kuramoto is important. A translation of this paragraph follows below:

[0054] (b) In the polymerization process, a radical polymerization reaction of radical-polymerizable unsaturated groups in a first silicone compound is carried out during the above-mentioned condensation process and/or after the condensation process. In other words, the process is a process for radical polymerization of intermediate product particles obtained by the hydrolysis and condensation of the first silicone compound and a second silicone compound which is used as occasion demands, and an organic polymer framework is formed by the radical polymerization reaction of the radical polymerizable unsaturated groups. The above-mentioned polymerization process may be carried out in the presence of a surfactant. The surfactant is not specially limited, and specifically, there can be cited, for instance, anionic surfactants, cationic surfactants, nonionic surfactants, amphoteric surfactants, high molecule surfactants, and polymerizable surfactants having at least one polymerizable carbon-carbon unsaturated bond in its molecule. These may be used alone or the combined use of at least two kinds.

Thus, paragraph [0054] of Kuramoto discloses that a radical polymerization is carried out in the presence of a surfactant.

Hence, Kuramoto, like Fukumoto, does not disclose or suggest that the monomer itself is previously emulsified before impregnation and before polymerization.

In conclusion, neither Fukumoto nor Kuramoto disclose or suggest the sequence of steps as claimed in independent claim 6. In other words, Fukumoto and Kuramoto do not disclose or suggest that the monomer itself is previously emulsified

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before impregnation and before polymerization. Hence, even a combination of Fukumoto with Kuramoto does not teach or suggest the claimed sequence of steps of independent claim 6.

C.2. Applicant's discussion as to applicant's emulsified monomer being absorbed into a framework of a polymer

Neither Fukumoto nor Kuramoto discloses or suggests that an emulsified monomer is absorbed into a framework of a polymer (polysiloxane). This feature is positively recited in independent claim 6.

Moreover, since Fukumoto and Kuramoto do not disclose or suggest the technical feature such that an emulsified monomer is absorbed into the framework of a polymer (polysiloxane), the present invention--including the steps as recited in independent claim 6--cannot be established from these cited references.

Therefore, there is no reason in the cited references of Fukumoto and Kuramoto to arrive at the present invention.

C.3. Applicant's discussion as to additive for optical resins

Moreover, according to the present invention, since the polymerizable monomer is previously emulsified, and the emulsified polymerizable monomer is absorbed into the particles having a polysiloxane framework before impregnation and before polymerization, an additive for optical resins showing uniform light diffusibility without luminance unevenness and high face luminescence is obtained. Still further, an optical resin composition comprising the additive for optical resins and a transparent resin shows uniform light diffusibility without luminance unevenness and high face luminescence. However, the cited references of

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Fukumoto and Kuramoto do not disclose or suggest that the above procedure gives the above excellent effects.

If the polymerizable monomer is not previously emulsified, since an unabsorbed polymerizable monomer remains, cohesion between particles is generated in the polymerization step as disclosed on page 22, lines 10 to 14 of the present specification. As a result, polymer particles made of the unabsorbed polymerizable monomer, having a particle diameter and a refractive index different from those of the organic-inorganic-composite particles is contained in the optical resin composition as an impurity. Therefore, the above-mentioned optical properties are lowered.

#### D. Housekeeping matters

##### D.1. Period For Reply

This Amendment and Remarks is being filed in response to the Final Rejection of August 11, 2008. August 11, 2008 plus three months was November 11, 2008. November 11, 2008 plus one month is December 11, 2008. This paper is being filed on or before Thursday, December 11, 2008 along with an extension of time for one month.

##### D.2. Status

The Final Rejection of August 11, 2008 was made final.

##### D.3. Disposition Of Claims

Claims 6-14 are pending.

##### D.4. Application Papers

This case includes no drawings.

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D.5. Priority under 35 U.S.C. §§ 119 and 120

As to foreign priority, acknowledgment of the claim for foreign priority was made in the Office Action dated June 22, 2007. This is appreciated.

Further as to foreign priority, acknowledgment of the receipt of the priority document was made in the Office Action dated June 22, 2007. This is appreciated.

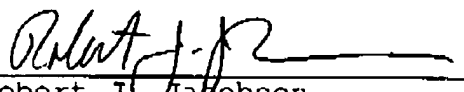
As to domestic priority, this case does not claim domestic priority.

D.6. Attachments

Applicant has filed three PTO-1449 forms in this case (a first with the filing of this case on September 12, 2005, a second on August 18, 2007, and a third on December 6, 2007). All three PTO-1449 forms have been initialed, signed and returned. Such is very much appreciated.

E. Conclusion

Applicant respectfully submits that the present application is now in condition for allowance. The Examiner is respectfully invited to make contact with the undersigned by telephone if such would advance prosecution of this case.

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